

MINUTES

SPECIAL COUNCIL MEETING
KEY BISCAYNE, FLORIDA

TUESDAY, FEBRUARY 6, 2018

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 5:00 p.m. Present were Councilmembers Luis de la Cruz, Allison McCormick, Gary Gross, Brett G. Moss, Kathleen Petros and Vice Mayor Franklin H. Caplan and Mayor Mayra P. Lindsay. Also present were Village Manager John C. Gilbert, Village Clerk Jennifer Medina and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
3. **PUBLIC COMMENTS:** The following resident addressed the Council: Michael Davey, 50 Ocean Lane Drive.
4. **RESOLUTIONS:** The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE INDIVIDUAL PROJECT ORDER FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION OF SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to approve the resolution. The motion was seconded by Councilmember Moss.

Mr. Josh Horning, Project Manager from Kimley Horn, addressed the Council regarding the terms of the proposed master agreement with the Village.

There was extensive discussion by Council regarding the master agreement between the Village and Kimley Horn and Associates, Inc. for continuing professional services.

Vice Mayor Caplan offered the following amendments to the resolution, master agreement and access agreement: replace the word “implement” with “pay” within section 4 of the resolution; address duplicate definitions of the term “consultant” within paragraph 1 and 2 of the master agreement; clarify the term “additional services” within section 1 of the master agreement; refer to only the title of “Village Manager” throughout the document as the client’s representative; clarify section 2 of the master agreement regarding the clients responsibility specifically section 2(b); add contract language relating to the Village not being liable for duplicative inspection costs; clarify section 3 referring to “continuous progress”; within section 5(a) remove contract language relating to “retainers”; remove the first sentence in 5(d); remove the last two sentences within section 7 of the master agreement; clarify the prohibition to lien private property within the access agreement; clarify section 19(b) of the master agreement regarding the contractor being responsible for their sub-contractors.

Councilmember de la Cruz suggested clarification of the master agreement’s section 2b(ii) regarding professional interpretations the Village should deliver.

Councilmember Moss requested to amend the amount not to exceed to “\$491,436.00” within section 3 of the resolution.

Councilmember Gross thanked Mr. Horning for his cooperation during the contract negotiation process.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers de la Cruz, Gross, McCormick, Moss, Petros, Vice Mayor Caplan and Mayor Lindsay voting Yes.

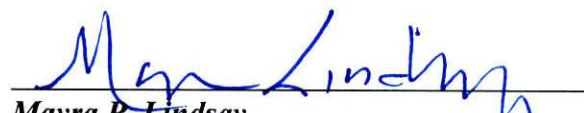
5. **ADJOURNMENT:** The meeting was adjourned at 5:22 p.m.

Respectfully submitted:


Jennifer Medina, CMC
Village Clerk



Approved this 13th day of February 2018:


Mayra P. Lindsay
Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.